

**RULES
OF
OFFICE OF STATE ADMINISTRATIVE HEARINGS
CHAPTER 616-1-1
ORGANIZATION OF OSAH**

TABLE OF CONTENTS

[616-1-1-.01 Organization](#)

[616-1-1-.02 Method of Obtaining Information From, Making Submissions to or Requests of the Office](#)

[616-1-1-.03 Procedures to Petition for the Adoption of Rules](#)

[616-1-1-.04 Procedures for Declaratory Rulings](#)

[616-1-1-.05 Mandatory Continuing Judicial Education](#)

[616-1-1-.06 Code of Judicial Conduct](#)

[616-1-1-.07 Oath of Office](#)

616-1-1-.01 Organization.

(1) The Office of State Administrative Hearings (OSAH) is an agency created by statute and empowered to conduct the initial or final hearing in contested cases for a number of other state agencies. For a determination of those state agencies who are required to utilize OSAH for the conduct of their initial hearings, an examination of O.C.G.A. §§ 50-13-2(1) and 42 is required. Any other state agency is authorized to contract with OSAH for the conduct of initial hearings. In addition, a state agency may provide by statute or rule for OSAH to conduct final hearings on the agency's behalf.

(2) OSAH is administered by the Chief State Administrative law Judge (Chief ALJ). The Chief ALJ is appointed by the Governor for a term of six years and may be removed by the Governor for cause. The Chief ALJ has the authority to appoint all OSAH personnel, to establish procedures for the administration of OSAH, and to promulgate rules and regulations governing the operation of OSAH and the conduct of hearings by OSAH.

(3) Other officers in the Chief ALJ's office include:

(a) The Deputy Chief ALJ who assists the Chief ALJ is supervising OSAH;

(b) The Administrative Assistant to the Chief ALJ who is responsible for providing information to, and receiving submissions from, the public as described in Rule 616-1-1-.02;

(c) The OSAH Administrative Hearing Clerk who is responsible for the receipt and filing of all submissions authorized or required to be filed with OSAH or an ALJ.

Authority O.C.G.A. Sec. 50-13-40(c). **History.** ER 616-1-1-0.1 was f. on Mar. 23, 1995; eff. Apr. 1, 1995, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency. **Amended:** ER 616-1-1-0.1 repealed and R. 616-1-1-.01 entitled "Organization" adopted. F. Jun. 30, 1995; eff. Jul. 20, 1995. **Amended:** F. Feb. 27, 1997; eff. Mar. 19, 1997.

616-1-1-.02 Method of Obtaining Information From, Making Submissions to or Requests of the Office.

(1) General information concerning OSAH's operations may be obtained from the Administrative Assistant to the Chief ALJ.

(3) Requests for information or submissions concerning public participation in rulemaking by the Chief ALJ may be directed to the Administrative Assistant to the Chief ALJ.

Authority O.C.G.A. Sec. 50-13-40(c). **History.** ER 616-1-1-0.1 was f. on Mar. 23, 1995; eff. Apr. 1, 1995, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency. **Amended:** ER 616-1-1-0.1 repealed and R. 616-1-1-.02 entitled "Method of Obtaining Information From, Making Submissions to or Requests of the Office" adopted. F. Jun. 30, 1995; eff. Jul. 20, 1995. **Amended:** F. July 12, 2004; eff. Aug. 2, 2004.

616-1-1-.03 Procedures to Petition for the Adoption of Rules. Any person desiring to petition the Chief ALJ requesting the promulgation, amendment or repeal of a rule shall submit three copies of the petition, in writing, to the Chief ALJ. No special form of petition shall be required but the petition shall state fully the rule involved, the reason for the desired change, any parties who it is known will be affected by the change, and any additional facts known to the petitioner which might influence the decision of the Chief ALJ to initiate or not initiate rulemaking.

Authority O.C.G.A. Sec. 50-13-40(c). **History.** ER 616-1-1-0.1 was f. on Mar. 23, 1995; eff. Apr. 1, 1995, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency. **Amended:** ER 616-1-1-0.1 repealed and R. 616-1-1-.03 entitled "Procedures to Petition for the Adoption of Rules" adopted. F. Jun. 30, 1995; eff. Jul. 20, 1995.

616-1-1-.04 Procedures for Declaratory Rulings. Any person wishing to file a petition for a declaratory ruling as to the applicability of a statute or rule or order of OSAH shall submit three copies of the petition, in writing, to the Chief ALJ. The petition shall state all of the facts, including the names of those parties involved in the fact situation, and shall include a statement of the legal issue sought to be resolved. The Chief ALJ will not issue a declaratory ruling on an issue in a matter pending before an OSAH ALJ or on a hypothetical fact situation and any ruling requested must affect a specific fact situation and specific parties including the person requesting the ruling. If the parties involved in the fact situation include persons in addition to the person requesting the ruling, the person requesting the ruling shall serve a copy of the petition upon such additional persons by personal delivery or first class mail and shall attach to the petition a certificate or acknowledgment of service. Any persons, including the additional persons served, may seek to participate in a declaratory ruling proceeding in the manner and under the standards provided by O.C.G.A. §50-13-14.

Authority O.C.G.A. Sec. 50-13-40(c). **History.** ER 616-1-1-0.1 was f. on Mar. 23, 1995; eff. Apr. 1, 1995, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER, as specified by the Agency. **Amended:** ER 616-1-1-0.1 repealed and R. 616-1-1-.04 entitled "Procedures for Declaratory Rulings" adopted. F. Jun. 30, 1995; eff. Jul. 20, 1995. **Amended:** F. Feb. 27, 1997; eff. Mar. 19, 1997.

616-1-1-.05 Mandatory Continuing Judicial Education.

(1) The minimum continuing judicial education requirement for every ALJ is as follows:

(a) Every ALJ shall attend 12 hours of instruction in an approved continuing judicial or legal education program during each year beginning January 1, 1997.

(b) Any ALJ who earns more than 12 hours of credit in a year beginning January 1, 1997, may apply the excess credit to the requirement for the succeeding year.

(c) At least 1 hour of the 12 hours of credit each year shall be dedicated to the area of judicial or legal professionalism and at least one hour shall be dedicated to the Code of Judicial Conduct.

(d) The Chief ALJ may exempt an ALJ from the continuing judicial education requirements upon a finding of undue hardship. ALJs who seek exemption under this provision shall file a request for exemption with the Chief ALJ no later than the first day of December for the year the exemption is sought.

(2) ALJs will receive credit by participating in OSAH's annual Continuing Judicial Education Programs. ALJs may receive credit by participating in one or more of the following programs: (a) programs sponsored by the Institute of Continuing Legal Education accredited by the State Bar of Georgia's Commission on Continuing Lawyer Competency; (b) programs sponsored by the Institute of Continuing Judicial Education; (c) programs approved for the Council of Superior Court Judges, State Court Judges, and Juvenile Court Judges by their Committees on Mandatory Continuing Judicial Education; (d) courses at the National Judicial College or at any ABA accredited law school, whether for credit or not; and (e) other programs if they have secured the prior approval of the Chief ALJ. ALJs who seek credit for attending programs listed in subparagraphs (a) through (e) shall provide to the Chief ALJ a description of each course that they desire to attend.

(3) ALJs shall receive one hour of credit for each hour of attendance in a program listed in paragraph (2), three hours of credit for each hour of teaching in such a program, six hours of credit for each hour of instruction when a handout is prepared and distributed, and two hours of credit for each hour as a panelist or mock trial judge.

(4) Every ALJ shall file a compliance report with the Chief ALJ no later than the end of the second week in December of the year for which the report is submitted.

(5) Any ALJ who fails to earn 24 credit hours over any period of 2 successive years may be notified by the Chief ALJ that they have not met the mandatory continuing judicial education requirements and may receive a private letter of admonition issued from the Chief ALJ detailing any deficiencies and consequences. The Chief ALJ may issue a public reprimand if an ALJ fails to earn the required credits at the end of three years.

(6) As used in this Rule, the term ALJ means an administrative law judge appointed by the Chief ALJ and includes any Assistant ALJ, Special Assistant ALJ, and Associate ALJ as described in O.C.G.A. ? 50-13-40(e). Authority O.C.G.A. Sec. 50-13-40(c). **History.** Original Rule entitled "Mandatory Continuing Judicial Education." adopted. F. Feb. 27, 1997; eff. Mar. 19, 1997. |

616-1-1-.06 Code of Judicial Conduct. ALJs are subject to the Georgia Code of Judicial Conduct.

| Authority O.C.G.A. Sec. 50-13-40(c). **History.** Original Rule entitled "Code of Judicial Conduct" adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004.

616-1-1-.07 Oath of Office. Before entering on the discharge of their duties, ALJs shall take the oath prescribed for judges of the superior courts, along with all other oaths required for civil officers.

Authority O.C.G.A. Sec. 50-13-40(c). **History.** Original Rule entitled "Oath of Office" adopted. F. Dec. 12, 2003; |
eff. Jan. 1, 2004.